

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on March 16, 2010.

Mayor Cline led the Pledge of Allegiance.

Mayor Cline presided and called the meeting to order at 6:30 p.m.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief David Griffith, Deputy Police Chief Adam Weinstock, Community Development Coordinator Kyle Gill, Fire Chief Tony Nichols, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Gover moved to approve the consent agenda consisting of minutes of the special meeting September 14, 2009 and March 2, 2010; Fire report for the month of February, 2010; Revenue and Expense report; bills and payroll for the first half of March, 2010.

**Bills and payroll for the first part of March, 2010**

**General Fund**

Payroll		\$	239,384.97
Bills		\$	<u>144,497.31</u>
	Total	\$	383,882.28

**Hotel Tax Fund**

Payroll		\$	1,666.65
Bills		\$	<u>9,262.57</u>
	Total	\$	10,929.22

**Festival Management**

Bills		\$	<u>158.10</u>
	Total	\$	158.10

**Insurance & Tort  
Judgment**

Bills		\$	<u>234,598.25</u>
	Total	\$	234,598.25

**Midtown TIF Fund**

Bills		\$	<u>824.25</u>
	Total	\$	824.25

**Capital Project Fund**

Bills		\$	<u>73,225.94</u>
	Total	\$	73,225.94

**Water Fund**

Payroll		\$	29,650.21
Bills		\$	<u>12,008.05</u>
	Total	\$	41,658.26

**Sewer Fund**

Payroll		\$	34,045.05
Bills		\$	<u>39,473.48</u>
		\$	73,518.53

Total

**Cemetery Fund**

Payroll		\$	2,781.15
Bills		\$	<u>279.30</u>
	Total	\$	3,060.45

**Health Insurance**

Bills		\$	<u>84,880.72</u>
	Total	\$	84,880.72

**Motor Fuel Tax Fund**

Bills		\$	<u>2,330.96</u>
	Total	\$	2,330.96

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline opened the floor for public comments/presentations and non-agenda items. There was no discussion.

Commissioner Rankin seconded by Commissioner Hall moved to adopt Ordinance 2010-5286, prohibiting the use of groundwater as potable water supply by the installation or use of potable water supply wells or by any other method.

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**CITY OF MATTOON, ILLINOIS  
ORDINANCE NO. 2010-5286**

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS POTABLE WATER SUPPLY BY THE  
INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

**WHEREAS**, certain properties in the City of Mattoon, Illinois have been used over a period of time for commercial/industrial purposes; and

**WHEREAS**, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

**WHEREAS**, the City of Mattoon desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS;**

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Amendments.** Section 51.003 of Chapter 51 is enacted as follows

**§ 51.003 POTABLE WATER WELLS**

(A) Use of groundwater as a potable water supply prohibited. Except for such uses or methods in existence before the effective date of this ordinance, The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Mattoon, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of Mattoon.

(B) Any person violating the provisions of this ordinance shall be subject to a fine of up to \$750.00 for each violation.

(C) Definitions – for the purposes of this section the following definitions shall apply:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

“Potable Water” is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(D) All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

(E) If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

**Section 3.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 4.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 16<sup>th</sup> day of March, 2010, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Ervin, Commissioner Gover,</u> <u>Commissioner Hall, Commissioner Rankin,</u> <u>Mayor Cline</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 16th day of March, 2010.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 17, 2010.

Mayor Cline opened the floor for Council comments or questions. Council with input from Attorney & Treasurer Owen, Director Wortman, Coordinator Gill and Administrator McLaughlin discussed the number of affected residents; EPA model ordinance; and no re-drilling of wells. Mayor Cline opened the floor for public comments with Mr. Herb Meeker requesting clarification on the ordinance and those affected.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2010-1383, approving a variance to the sign code of the municipality for the real estate located at 700, 704 & 708 Broadway Avenue. Monitor Sign Service – Petitioner. [Planning Commission approved.]

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2010-1383**

**AN ORDINANCE APPROVING A VARIANCE TO THE SIGN CODE OF THE MUNICIPALITY, FOR THE REAL ESTATE LOCATED AT 700, 704 & 708 BROADWAY AVENUE**

**WHEREAS**, there was filed with the Community Development Coordinator of the City of Mattoon, County of Coles, Illinois, a certain Petition by Monitor Sign Service, on behalf of the owners of 704 and 708 Broadway, praying that a variance be granted from requirements of the sign code of the municipality on real estate described as:

Lots 10, 11, & 12, Block 126 of the Original Town of Mattoon, Now the City of Mattoon, Coles County, Illinois; commonly known as 700, 704 and 708 Broadway Avenue

**WHEREAS**, said Petition was reviewed by the Community Development Coordinator and recommended to the City of Mattoon Planning Commission; and

**WHEREAS**, said Petition was submitted to the Planning Commission for their recommendation on March 8, 2010; and

**WHEREAS**, said Petition was considered by the Planning Commission on March 8, 2010; and was recommended by a majority vote, that the Petition be allowed, and that a variance be granted from the number of freestanding sign allowed per street frontage of the sign code and to allow construct a second sign for the leased office space at 708 Broadway Avenue.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

**Section 1.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** A variance is hereby granted from requirements of the sign code as authorized by Section §160.13 of Chapter 160 of the Code of Ordinances of the City of Mattoon for real estate described as 700, 704, and 708 Broadway Avenue, to allow the construction of a second sign for the leased office space.

**Section 3.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 4.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 16th day of March, 2010, by a roll call vote, as follows:

AYES (Names):            Commissioner Ervin, Commissioner Gover,  
                                  Commissioner Hall, Commissioner Rankin,  
                                  Mayor Cline

NAYS (Names):           None

ABSENT (Names):        None

Approved this 16th day of March, 2010.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 17, 2010.

Mayor Cline opened the floor for Council comments or questions with no responders. Mayor Cline opened the floor for public comments with no responders.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to adopt Resolution 2010-2805, authorizing the execution of the Illinois Public Works Mutual Aid Network Agreement (IPWMAN) to provide mutual aid assistance due to emergencies or disasters.

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**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2010-2805**

**A RESOLUTION AUTHORIZING EXECUTION OF THE  
ILLINOIS PUBLIC WORKS MUTUAL AID NETWORK AGREEMENT (IPWMAN)**

**WHEREAS**, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and,

**WHEREAS**, the "*Intergovernmental Cooperation Act*", 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and,

**WHEREAS**, Section 5 of the "*Intergovernmental Cooperation Act*", 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and,

**WHEREAS**, the Mayor and the City Council of City of Mattoon have determined that it is in the best interests of the City of Mattoon and its residents to enter into an intergovernmental agreement to secure to each the benefits of mutual aid in public works and the protection of life and property from an emergency or disaster and to provide for public works assistance, training and other necessary functions to further the response and recovery from said emergency or disaster. The principal objective of the public works mutual aid assistance being the response to and recovery from any emergency or disaster and the return of the community to as near normal as quickly as possible.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mattoon, Illinois as follows:

**SECTION ONE:** The Mayor is hereby authorized to execute an Agreement for participation in the **Illinois Public Works Mutual Aid Network (IPWMAN)**, a copy of said Agreement being attached hereto and being made a part hereof.

Upon motion by Commissioner Ervin, seconded by Commissioner Hall, adopted this 16<sup>th</sup> day of March, 2010, by a roll call vote, as follows:

AYES (Names):           Commissioner Ervin, Commissioner Gover,  
                                  Commissioner Hall, Commissioner Rankin,  
                                  Mayor Cline

NAYS (Names):           None

ABSENT (Names):       None

Approved this 16<sup>th</sup> day of March, 2010.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 17, 2010.

Mayor Cline opened the floor for Council comments or questions. Commissioner Ervin endorsed the public works mutual aid. Mayor Cline opened the floor for public comments with Mr. Herb Meeker requesting clarification of counties involved and previous assistance toward Taylorville.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Gover moved to adopt Resolution 2010-2806, approving an additional \$20,000 from MFT funds for the 2009 Street Maintenance Projects. [09-00182-00-RS]



**Illinois Department  
of Transportation**

## RESOLUTION 2010-2806

“Supplemental”

**Resolution for Improvement by  
Municipality Under the Illinois  
Highway Code**

BE IT RESOLVED, by the Council of the  
City of Mattoon Illinois  
that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Park Street	FAU 7707	IL 16	FAU 7670 Western Ave
33 <sup>rd</sup> St	FAU 7684	FAU 7670 Western	IL 121
32 <sup>nd</sup> St	FAU 7685	IL 16	FAU 7670 Western Ave
27 <sup>th</sup> St	FAU 7687	IL 121	FAU 7672 Charleston Ave.
Charleston Ave	FAU 7672	FAU 7687 27 <sup>th</sup> St	IL 16
Oklahoma Ave	FAU 7678	FAU 7698 9 <sup>th</sup> St	FAU 6 <sup>th</sup> St.
6 <sup>th</sup> St.	FAU 7699	IL 16	FAU 7669 Richmond Ave

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Various Bituminous Patching of failed joints,  
Variable thickness of Resurfacing of Bituminous Surface, Bituminous Shoulders, Edge and center line striping

and shall be constructed \_\_\_\_\_ wide  
and be designated as Section 09-00182-00-RS

2. That there is hereby appropriated the (additional ☒ Yes ☐ No) sum of Twenty Thousand Dollars  
Dollars ( \$20,000.00 ) for the  
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract ; and,  
Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved	I, <u>Susan O'Brien</u> Clerk in and for the
	<u>City</u> of <u>Mattoon</u>
	City, Town or Village
	County of <u>Coles</u> , hereby certify the
Date	foregoing to be a true, perfect and complete copy of a resolution adopted
	by the <u>Council</u>
	Council or President and Board of Trustees
Department of Transportation	at a meeting on <u>March 16, 2010</u>
	Date
	IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this
	<u>17th</u> day of <u>March, 2010</u>
Regional Engineer	(SEAL)
	<u>/s/ Susan J. O'Brien</u>
	City, Town, or Village Clerk

Mayor Cline opened the floor for Council comments or questions with no responders. Mayor Cline opened the floor for public comments no responders.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1066, awarding the bids for the proposed street improvement projects funded by American Recovery and Reinvestment Act (ARRA) as approved by IDOT.

Mayor Cline opened the floor for Council comments or questions with no responders. Mayor Cline opened the floor for public comments no responders.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2010-1067, approving a \$1,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to EIU Kinesiology & Sports Studies for hosting the EIU/IHSA Girl's State Badminton Championships to be held May 13-15, 2010.

Mayor Cline opened the floor for Council comments or questions with no responders. Mayor Cline opened the floor for public comments no responders.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Gover moved to approve Council Decision Request 2010-1068, approving a \$1,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Cobra Softball for hosting the 5<sup>th</sup> Annual USSSA Mother's Day Softball Invitational World Series Qualifier on May 7-9, 2010 and the 2010 USSSA Central Illinois State Championships & World Series Qualifier on June 18-20, 2010 in the amount of \$6,500.

Mayor Cline opened the floor for Council comments or questions with no responders. Mayor Cline opened the floor for public comments no responders.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to recess to closed session at 6:43 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the price for sale or lease of property (5 ILCS 120(2)(c)(6)); and the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)).

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Council reconvened at 7:31 p.m.

Commissioner Gover seconded by Commissioner Hall moved to adjourn at 7:32 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

/s/ Susan J. O'Brien  
City Clerk